

**SHOREVIEW PLANNING COMMISSION  
MEETING MINUTES  
July 22, 2014**

**CALL TO ORDER**

Chair Solomonson called the July 22, 2014 Shoreview Planning Commission meeting to order at 7:00 p.m.

**ROLL CALL**

The following Commissioners were present: Chair Solomonson, Commissioners, McCool, Peterson, Proud, and Schumer.

Commissioners Ferrington and Thompson were absent.

**APPROVAL OF AGENDA**

Commissioner Schumer noted that the address under item No. E. 1) should be County Road E.

MOTION: by Commissioner Schumer, seconded by Commissioner Proud to approve the July 22, 2014 Planning Commission meeting agenda as amended.

VOTE: Ayes - 5 Nays - 0

**APPROVAL OF MINUTES**

MOTION: by Commissioner Schumer, seconded by Commissioner Proud to approve the June 24, 2014 Planning Commission meeting minutes, as submitted.

VOTE: Ayes - 5 Nays - 0

**REPORT ON CITY COUNCIL ACTIONS:**

City Planner Kathleen Castle reported that the City Council approved the following at its July 7, 2014 meeting: 1) Subdivision for Moser Homes at 3339 Victoria Street; and 2) Conditional Use Permit for Rick and Catherine Schuett, 3469 Harriet Court.

At the July 21st City Council approved the purchase agreement with Moser Homes for 3339 Victoria Street.

## **NEW BUSINESS**

### **VARIANCE**

**FILE NO:** 2535-14-25  
**APPLICANT:** KENNETH & CHRISANN JUNKER  
**LOCATION:** 235 OAKWOOD DRIVE

#### **Presentation by City Planner Kathleen Castle**

The applicants seek to construct a 6-foot privacy fence along the north and west sides of their property at 235 Oakwood Drive. A variance is requested to exceed the maximum height 4 feet allowed in the side yard that abuts Sherwood Road. The property is a corner lot with side frontage on Sherwood Road, which is a collector street. The property consists of 12,198 square feet with a lot width of 91.02 feet on Oakwood Drive. Surrounding properties are developed with single-family detached homes and Ramsey County open space. There is a lilac hedge along Sherwood Road.

The property is zoned R1, Detached Residential. In R1 zoning, fences adjacent to a public road right-of-way or road easement shall not exceed 4 feet in height. The proposed fence would be 9 feet from the right-of-way for Sherwood Road.

The applicant states that the fence would be used in a reasonable manner as it would be a consistent height of 6 feet for the entire length for aesthetics, privacy and resale. There are unique circumstances with the constant flow of traffic from the Ramsey County Compost site during the week. On weekends, the traffic is heavier. The character of the neighborhood would not be changed because the fence would not be visible most of the year because the lilacs would screen the fence.

Staff's review finds no practical difficulty. Other options are available. Location on a corner lot is not a unique circumstance. A 4-foot fence could be constructed in the proposed location without the need for a variance, but the applicants do not believe a 4-foot fence would effectively block the traffic noise. Traffic volume is not a unique circumstance. Traffic volumes have increased throughout the City and are expected to continue to increase. Sherwood Road has a lower traffic volume than other Collector Roads. Also, a 6-foot fence could be constructed at the 30-foot structure setback.

Property owners within 150 feet were notified of the application. One comment of support was received. As staff finds no practical difficulty, there are no unique circumstances to support a variance.

Commissioner Proud asked if there are any other 6-foot fences in this area. Ms. Castle responded that there is one 6-foot fence at Ponds Park, which is visible from the right-of-way.

Chair Solomonson asked for traffic volumes of other collector streets in the City. Ms. Castle stated that Tanglewood has 4,100 trips per day; Hamline has 2,550 north of County Road I;

Victoria ranges from 2,100 to 4,100; County Road F, Gramsie and North Owasso Boulevard range from 2,750 to 4,500. The traffic volume of Sherwood is 700.

Chair Solomonson noted that there appears to be a substantial change in topography with the roadway almost 6 feet below the house site. Therefore, a 4-foot fence next to the house would appear much higher from the roadway.

Commissioner Peterson asked if the nature of the traffic is different in this location where most traffic is going to the compost site. Ms. Castle stated that traffic counts do not report the type of vehicles being used on the roadway.

Commissioner McCool asked the minimum setback for the garage, which is at 30 feet. Mr. Warwick explained that the yard is defined by the location of the structure rather than setback in feet. The setback for the fence is defined by the nearest portion of the principal structure adjacent to the right-of-way. At the time this house was constructed, the requirement for the garage was a 30-foot setback. Today the setback could be 25 feet from either Oakwood or Sherwood.

**Mr. Kenneth Junker**, Applicant, asked if the tunnel effect of a 6-foot fence along a roadway is the only concern. It would not be visible from Sherwood but would be visible from Oakwood. In order to get around this, consideration is being given to put in a flower bed that is 2 feet tall and then put in the 4-foot fence. The height is a factor to obtain privacy from the traffic and pedestrians on the collector street. The additional 2 feet will also deter deer.

Commissioner McCool asked the reason for not putting the fence at the setback line of 30 feet, which would require no variance or if consideration has been given to planting pines instead of a fence. **Mr. Junker** explained that would create a part of yard that would be difficult and cumbersome to maintain between the lilacs and the fence. It would not make sense. It would be some time before evergreens would get to the height of providing screening,

Chair Solomonson asked about the difference in grade from the road and house lot and how tall that would make a fence. **Mr. Junker** stated that there is approximately a 2-foot difference between the road and his property.

Mr. Warwick explained that a 1-foot berm can be put in and with a 4-foot fence on top, it will comply. If the berm is higher, the fence must be lowered for compliance. The edge of the bituminous on Sherwood is approximately 6 feet lower than the northwest corner of the house, according to the site survey included with the packet.

Chair Solomonson clarified that this means the elevation of the corner of the house is 910; the corner property stake is at 904; and the roadway is at 901.

Commissioner Proud asked if there is significant pedestrian traffic. **Mr. Junker** responded that the roadway is heavily used by pedestrians and bikes. Commissioner Proud asked if the applicant would agree to keeping the lilac screening if the fence were approved.



The proposal by Union Gospel Mission is to demolish the existing restroom building and construct a new facility and include improvements to the existing beach house and add landscaping near the entryway. The restroom building will have a new roof, exterior painting and changing rooms added inside.

The property consists of approximately 10 acres and developed with a number of buildings to support their ministry. The property is zoned PUD. Union Gospel Mission is an institutional use, which is permitted under the PUD. The property is located in Policy Development Area (PDA) No. 8. Should Union Gospel Mission move or close, future land uses that could be considered include Office, Mixed Use, Medium and Low Density Residential.

The proposal complies with the Development Code standards and the approved PUD and Comprehensive Plan. It is important to note that the beach house is a nonconforming use with a setback 24 feet from the Ordinary High Water (OHW) mark. Any alteration must comply with the Code. Staff finds that the proposed improvements are within the scope of normal maintenance and repair.

The beach house modifications include grading and drainage improvements. There is a slope behind the beach house. A retaining wall is proposed. The historic drainage pattern will be maintained.

At the time the City procures easements from adjoining single family homes on Highway 96 for a trail along Snail Lake, the Mission did agree to an easement in the northwest corner of the property. Additional easements are not being requested.

Property owners within 350 feet were notified of the proposal. Two comments were received in support of the improvements. The DNR was notified and did not express any concerns but did encourage landscaping to help screen the beach house. Staff believes it would be difficult to maintain plantings at the beach house location. Staff is recommending approval with the conditions attached.

Commissioner Proud asked if indoor showers are in the restroom facility and whether there is a septic system or City sanitary sewer is used. Ms. Castle responded that there are no interior showers. An outside shower is proposed. There is no sewer system; water infiltrates into the ground.

Chair Solomonson asked if the beach house could be moved to make it a conforming structure. Ms. Castle answered that the topography makes that not possible. Certain water structures are allowed, but if the beach house were built today, it would have to be much smaller.

Commissioner Proud asked the number of showers that exist now, the number proposed with this plan, and whether drainage would ever compromise the quality of the lake water. **Mr. Dave Heller**, Heller Architects, 1410A Sylvan Street, St. Paul, stated that there are no showers in the beach house; it is a changing room. The outside shower is to rinse off after leaving the lake. It is similar to such showers at regional park facilities. It is a freestanding showerhead with drainage infiltrating into the sand. The beach house stalls are shown to be handicapped accessible.

Chair Solomonson asked about the feasibility of landscaping as suggested by the DNR. **Mr. Heller** responded that it would be very difficult because from the front step of the beach house to the lake is all sand. If plants were added, they would be difficult to maintain.

**MOTION:** by Commisisoner Proud, seconded by Commissioner Schumer to recommend the City Council approve the Site and Building Plan Review submitted by Heller Architects, Inc. on behalf of the Union Gospel Mission for site improvements at 580 Highway 96 and include reconstructing the restroom building, improving access, enhancing the existing beach house and installing landscaping along the entry driveway. Approval is contingent upon the following:

- 1) The property shall be developed in accordance with the plans submitted and dated June 23, 2014. The beach house shall be earth tone in color.
- 2) Final grading, drainage and erosion control plans are subject to the review and approval by the Public Works Director.
- 3) The plans shall be revised to include tree protection measures for the trees which will be retained in the area of the proposed restroom building.
- 4) Final utility plans are subject to review and approval by the Public Works Director.
- 5) The items identified in the Memo dated July 14, 2014 from the City Engineer must be addressed prior to the issuance of a building permit.
- 6) A Site Development Agreement and Erosion Control Agreement, including the submittal of financial sureties, shall be executed prior to issuing a building permit or commencing work on the site

Said approval is based on the following findings of fact:

- 1) The use and proposed improvements are consistent with the Comprehensive Plan.
- 2) The use and proposed improvements comply with the Development Code and approved Planned Unit Development.

**VOTE:**                      **AYES - 5**                      **NAYS - 0**

### **RESIDENTIAL DESIGN REVIEW**

**FILE NO:**                      **2532-14-22**  
**APPLICANT:**                **JIM & KERRY MEYER**  
**ADDRESS:**                   **919 OAKRIDGE AVENUE**

#### **Presentation by Senior Planner Rob Warwick**

This application is a proposed addition to the attached garage and front entry of the home. The plan includes an added living area above the garage. The property is a substandard riparian lot on the south side of Turtle Lake. The lot width is 75 feet, less than the 100-foot width of a standard riparian lot. The garage would be expanded from 20 x 24 feet to 24 x 26 square feet or 624 square feet, which is well below the 2,000 square foot foundation of the house. The living

area above the garage is proposed to be 16 x 25 feet or 400 square feet. The entry expansion would be 60 square feet that includes stairs leading up to the garage. A sidewalk with pergola will lead to the new entry. The addition will use the same color scheme of the existing house.

Because of the pervious street construction to reduce runoff, the Conservation District has suggested holding off on plans for a rain garden, and so the applicants propose pervious pavers along the garage to infiltrate storm water. Mitigation will use the practices of infiltration and a reduction of impervious surface.

Property owners within 150 feet were notified of the application. No comments were received. This proposal meets all code requirements, and staff recommends approval.

Commissioner McCool asked if the reduction in lot coverage is the size of the sidewalk to be removed, or whether it takes into account roof area that drains and is a credit. Mr. Warwick stated that the sidewalk is 200 square feet. The 800 square feet includes the area of the sidewalk as well as the area draining onto the sidewalk. The City Engineer has reviewed the impervious surface and storage capacity for runoff water. The 800 square feet draining into the sidewalk is a credit of 400 square feet. The final design is to be approved by the City Engineer to insure the rock base is sufficient for the runoff expected on the surface according to current rainfall standards over 10 years.

Commissioner Peterson expressed his appreciation not using architectural mass for shoreland mitigation, although the traditional red-colored siding is appropriate for the lake site. This is a well-planned project.

Commissioner McCool also commended the applicant but also stated that he is not totally supportive of saying that one practice is being accepted as two shoreland mitigation measures. Allowing that will gut mitigation requirements. However, he is satisfied that this applicant is doing a good job and would be willing to do more, if a rain garden would be of benefit.

**MOTION:** by Commissioner Schumer, seconded by Commissioner Peterson to approve residential design review application submitted by Jim and Kerry Meyer for 919 Oakridge Avenue, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. Impervious surface coverage shall not exceed 29% of the total lot area as a result of this project. Foundation area shall not exceed 18%.

4. The design plans for the pervious sidewalk are subject to the review and approval of the City Engineer prior to installation.
5. An erosion control plan shall be submitted with the building permit application and implemented during construction of the improvements.
6. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the addition.
7. A building permit must be obtained before any grading or construction activity begins.
8. This approval is subject to a 5-day appeal period.

The approval is based on the following finding:

1. The proposal complies with the adopted standards for construction on a substandard riparian lot.

**VOTE:**                      Ayes - 5                      Nays - 0

### **VARIANCE**

**FILE NO:**                      2534-14-24  
**APPLICANT:**                BRYAN SWIFT  
**LOCATION:**                    4932 TURTLE LANE EAST

### **Presentation by City Planner Kathleen Castle**

The applicant seeks to extend the current driveway to serve a new detached accessory structure at the rear of his property. Two variances are requested:

- Reduce the 5-foot side yard setback requirement for a driveway to 2.6 feet on the west side
- Exceed the maximum accessory structure height of 14.5 feet to 15.6 feet for the proposed garage.

The property is 75 feet in width at the front lot line and widens to 175 feet in the rear. The property has a rambler home of 1032 square feet with an attached garage of 299 square feet. With the new garage, proposed to be 608 square feet with a height of 15.6 feet, the existing 10.6-foot driveway would be widened to 18 feet at the widest point. The expansion includes a swale to direct runoff away from the neighboring property. The size of the garage is permitted, but the height exceeds the height of the home, the principal structure.

The property is zoned R1, Detached Residential, which requires a minimum 5-foot setback for accessory structures and driveways from the side property line.



The applicant states practical difficulty is present. The intended use of the driveway would be for residential vehicles and a boat trailer. Encroachment into the 5-foot side setback is necessary to create a driveway with enough room to access the proposed rear garage with a truck and trailer. The added height allows room for shelving and is reduced from his first proposal. The variances requested will not impact the character of the neighborhood. Other options have been explored but would have a bigger impact on the neighborhood.

Property owners within 150 feet were notified of the proposal. One written comment was received supporting the application.

Staff believes there is practical difficulty and all three criteria for granting a variance are met. It would be difficult to add onto the existing garage. The property is almost one-half acre in size, and the height difference will not be noticeable. The house is a rambler style with a lower height than many houses. Staff believes the driveway is reasonable to access the new rear garage. Other homes in the neighborhood have rear garages with driveway access. Staff is recommending approval.

Chair Solomonson expressed the amount of parking space with this long driveway and parking pad on the side. He asked the outside storage regulations for vehicles. Ms. Castle stated that one vehicle per licensed driver at the residence may be stored outside, as well as RVs, trailers, boats.

Commissioner Peterson noted the amount of impervious surface being added and whether narrow swale will be adequate.

Commissioner Proud clarified that the swale only addresses the incremental runoff from the area requiring the variance. He asked if the slope of the driveway directs water to adjoining properties.

Commissioner McCool would want a condition added that the applicant would be required to maintain the swale.

Chair Solomonson noted the tight space of the driveway next to the house. If a vehicle were parked there, it would be a non-conforming situation.

**Mr. Bryan Swift**, Applicant, stated that he is willing to look at options to clarify grading and how the swale will work. He is not proposing to park on the driveway portion next to the house.

Commissioner Proud observed that this plan supports the City's goal to upgrade housing stock.

Chair Solomonson expressed concern about the potential amount of parking area created by the long driveway. Also, he would like a condition that the City Engineer would have to approve the grading.

Commissioner McCool stated that this is a unique circumstance with an odd-shaped lot and placement of a small home. The small house has a low pitched roof which does not follow today's standards. He stated he will support this application with three added conditions:

1. The design of the swale be installed with the approval of the City Engineer.
2. The driveway be graded to direct runoff away from adjacent property as approved by the City Engineer.
3. Prohibition of parking vehicles on the part of driveway next to the house. Although difficult to enforce, it would give neighbors an avenue to address this if it becomes an issue.

MOTION: by Commissioner McCool, seconded by Commissioner Proud to adopt the attached Resolution 14-53, permitting the expansion of the current drive to 2.6 feet from the property line and an accessory structure height of 15'6", for Bryan Swift, 4932 Turtle Lane E. Said approval is subject to the following five conditions and the addition of three conditions, Nos. 6-8:

1. The project must be completed in accordance with the plans submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.
4. The exterior design and construction of the structure must comply with Section 205.082 (5e), Exterior Design and Construction.
5. Use of the accessory structure shall be for personal use only and no commercial use or commercial related storage is permitted.
6. Applicant shall install a drainage swale along the west property line, with the final design of such swale subject to approval by the City Engineer.
7. Applicant shall grade the driveway at the rear of the house to direct runoff away from the neighboring property to the west, with the final grading plan for said driveway to be approved by the City Engineer.
8. Driveway area west of the existing garage shall not be used at any time for the parking of vehicles.

Said approval is based on the following findings of fact:

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.

Expansion of the existing driveway along the side of the house is reasonable. The encroachment on the minimum 5-foot setback from the side property line is needed to develop a driveway with a suitable surface width for a vehicle to reach the rear of the property.

The additional 1'1" height proposed height of the garage is reasonable for this ½ acre property due to the combination of the lot size, size of the home, landscape screening and

proposed location in the rear yard. The height difference will not be discernible due to the design and distance between the house and the proposed garage.

2. *Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.*

Practical difficulty for the reduction in the 5 foot minimum side yard setback for the driveway stems the location of the existing house and single-car attached garage. Alternatives are not present due to the limit of one curb cut on the property, lot width and location of the home and existing garage. The applicant is not able to install a usable driveway for access to the rear of the property without a variance because of the 12'5" distance between the existing attached garage and the property line.

Practical difficulty for the 1'1" garage height variance stems from the 14'5" house height of the one-story home. The spirit and intent of the ordinance is to maintain the residential character of the property by limiting the size of accessory structures so the dwelling unit remains the principal use and dominant feature of the property. With the proposed location, size, and height, the detached garage will be subordinate to the home.

3. *Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.*

The variance will not alter the essential character of the existing neighborhood. The proposed garage would match the architectural style of the current home and the location in the rear yard and existing vegetation minimize the impact of the increased height may have.

**VOTE:**                                      Ayes - 5                                      Nays - 0

### **WIRELESS TELECOMMUNICATIONS FACILITY PERMIT**

**FILE NO:**                                      2526-14-16  
**APPLICANT:**                                AT&T / SAC WIRELESS  
**ADDRESS:**                                   745 COUNTY ROAD E

**FILE NO:**                                      2528-14-18  
**APPLICANT:**                                AT&T / SAC WIRELESS  
**ADDRESS:**                                   5880 LEXINGTON AVENUE NORTH

### **Presentation by Senior Planner Rob Warwick**

Applications have been submitted to co-locate facilities at the City's North and South water towers. The application submitted by SAC Wireless is on behalf of New Cingular Wireless LLC (AT&T). The facilities to be installed include antennas and a 12 x 28-foot equipment shelter at each site that include an emergency power generator.

Standards for wireless telecommunications facility permits are to be reviewed by the Planning Commission with a recommendation forwarded to the City Council. The City Council's approval includes a site lease agreement with the City.

Antennas will be painted to match the tower. Landscaping is recommended to screen the shelters from the street. The shelter location must not result in operational difficulties for City utility staff. Radio frequency (RF) emissions comply with FCC standards, and it is unlikely that there will be RF interference. The generator will be used for emergency power only, except for routine testing and maintenance. The applications comply with City standards. The purpose is to cover existing coverage gaps. AT&T has no other facilities in the City.

Notices were mailed to property owners within 350 feet of each site. No comments were received for the South Tower. Three comments were received for the North Tower--two expressing RF health concerns and one about noise and screening when viewed from the north. The site was moved to the Lexington Avenue side to address this concern. Emissions do comply with FCC standards and no further study is necessary.

The applications have been reviewed by the Public Works Department which determined that the ground lease areas and installations will not cause operational problems. SEH has reviewed design plans and identified modifications that will be addressed before installation. Staff recommends approval of each application with the conditions listed in each motion.

Commissioner Proud asked if consideration has been given to noise issues from the air conditioning units on the other side of the North Tower with the move of the shelter. Mr. Warwick stated there is only one other such shelter, in Sitzer Park. That facility complies with City requirements. SEH staff suggests tree buffers have unintended consequences because the sound bounces off the screening and water tower. The City can enforce City standards regarding noise.

Commissioner McCool asked about which equipment can be placed in the pedestal of the tower. Mr. Warwick responded that the City allowed one instance of placing equipment in the pedestal. This requires staff to be present anytime wireless personnel need to access the equipment. The City will no longer allow placement in the pedestal. It is also difficult to provide maintenance and protect others' equipment.

Chair Solomonson asked if interference with Verizon has been considered. Mr. Warwick stated that Verizon is not yet operational. The consultant report is based on a model, not actual data which is standard practice. No interference is anticipated.

Commissioner McCool asked the City's response to landscaping in light of the comments of concern. Mr. Warwick stated that landscaping is planned along the north fence line. The proposed location is to screen the view of the shelter from Lexington Avenue.

Commissioner Peterson asked who is responsible for maintaining the landscaping. Mr. Warwick responded that several plantings have died at the north tower where the soil is mostly sand.

Chair Solomonson asked if the City is approaching the limit for the number of providers that can locate here. Mr. Warwick stated that ground space has greater potential to impact daily operations rather than equipment on the tower. Staff believes placement at a water tower is

preferable to monopoles.

MOTION: by Commissioner Proud, seconded by Commissioner Schumer to recommend to the City Council approval of the Wireless Telecommunications Facility Permit application for SAC Wireless/New Cingular Wireless PCS LLC to collocate antenna on the existing City-owned water tower located at 5880 Lexington Avenue, and to install an equipment shelter within a 26 by 40 leased area, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Wireless Telecommunications Facility Permit application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval is contingent upon the City Council authorizing the lease with New Cingular Wireless PCS LLC, including the 26 by 40 foot equipment site and an easement for ingress and egress.
3. The site plan, lease area and access/utility easements shall be revised to use the area east of the existing Clearwire equipment area for the AT&T lease area and shelter location.
4. The construction plans shall be revised in accordance with the comments of the City's engineering consultant, SEH.
5. A landscape plan shall be submitted for approval by the City Planner. The landscaping shall be planted to provide visual screening of the equipment structure from Lexington Avenue.
6. The site is subject to confirmation that RF emissions conform to FCC requirements. New Cingular Wireless PCS LLC shall notify the City when the system is installed, prior to operation. A City selected RF engineer shall be provided access to the site to test RF emissions.
7. The site shall bear necessary OSHA required warnings regarding RF emissions.
8. A permanent emergency power generator may be installed within the equipment shelter. The emergency power generator shall be used for emergency power only, except the times it is being run for routine maintenance, which shall not exceed thirty (30) minutes once a week between the hours of 4:00PM and 6:00PM CST, Monday through Friday, holidays excluded. The operation of the emergency generator shall comply with City regulations pertaining to Noise (Section 209.020 of the Municipal Code).
9. The applicant shall enter into a Wireless Telecommunications Tower/Antenna Agreement with the City, as required.

Approval is based on the following findings of fact:

1. The site is located in the TOD-2 where wireless telecommunications facilities collocated on an existing tower is a permitted use.
2. The proposal complies with the adopted City standards for Wireless Telecommunications Facilities, as specified in Section 207.040 of the Municipal Code.

**VOTE:**                      Ayes - 5                      Nays - 0

**MOTION:**     by Commissioner Proud, seconded by Commissioner Schumer to recommend to the City Council approval of the Wireless Telecommunications Facility Permit application for New Cingular Wireless PCS LLC to collocate antenna on the existing City-owned water tower located at 745 County Road E, and to install an equipment shelter within a 20 by 40-foot leased area, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Wireless Telecommunications Facility Permit application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval is contingent upon the City Council authorizing the lease with New Cingular Wireless PCS LLC, including the 20 by 40 foot equipment site and an easement for ingress and egress.
3. The construction plans shall be revised in accordance with the comments of the City's engineering consultant, SEH.
4. A landscape plan shall be submitted for approval by the City Planner. The landscaping shall be planted to provide visual screening of the equipment structure from Victoria Street.
5. The site is subject to confirmation that RF emissions conform to FCC requirements. New Cingular Wireless PCS LLC shall notify the City when the system is installed, prior to operation. A City selected RF engineer shall be provided access to the site to test RF emissions.
6. The site shall bear necessary OSHA required warnings regarding RF emissions.
7. A permanent emergency power generator may be installed within the equipment shelter. The emergency power generator shall be used for emergency power only, except the times it is being run for routine maintenance, which shall not exceed thirty (30) minutes once a week between the hours of 4:00PM and 6:00PM CST, Monday through Friday, holidays excluded. The operation of the emergency generator shall comply with City regulations pertaining to Noise (Section 209.020 of the Municipal Code).
8. The applicant shall enter into a Wireless Telecommunications Tower/Antenna Agreement with the City, as required.

Approval is based on the following findings of fact:

1. The site is located in the TOD-2 where wireless telecommunications facilities collocated on an existing tower is a permitted use.
2. The proposal complies with the adopted City standards for Wireless Telecommunications Facilities, as specified in Section 207.040 of the Municipal Code.

**VOTE:**                      Ayes - 5                      Nays - 0

### **MISCELLANEOUS**

#### **Council Meeting Assignments**

Commissioners McCool and Schumer will respectively attend the City Council meetings on August 4th and August 18, 2014.

#### **Workshop**

The Planning Commission will hold a workshop meeting on August 26, 2014.

### **ADJOURNMENT**

**MOTION:**     by Commissioner Schumer, seconded by Commissioner McCool to adjourn the meeting at 9:018 p.m.

**VOTE:**                      Ayes - 5                      Nays - 0

**ATTEST:**

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Kathleen Castle  
City Planner